



DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION

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Tuesday, December 7th, 2010

Dear Honorable Mayor Leffingwell and City Council Members,

DANA is a strong supporter of live music and our culturally significant entertainment districts, but it is important to note that today there are two established downtown entertainment districts with clear boundaries (East 6th St. and the Warehouse District).

The City has long established goals of making downtown Austin a thriving residential community. As the number of residents downtown has grown, issues associated with amplified sound have continued to increase. The number of venues seeking Outdoor Music Venue (OMV) permits in non-entertainment district areas of downtown Austin has reached a critical point, eroding the quality life for many downtown residents, negatively impacting residential tax base, and limiting future high rise development adjacent to OMVs.

For example, in the Rainey Street neighborhood there are 850 high-rise homes valued at over \$250 million of residential property tax base. In the neighborhoods surrounding W. 6th Street area there are 816 homes valued at over \$150 million of residential property tax base. Additionally, there are thousands of residential multi-family or condominium high-rise units planned throughout non-entertainment district downtown neighborhoods which could create hundreds of millions of dollars of property tax base. It is with this in mind that we propose the following changes to the outdoor music venue ordinance:

1. Enforcement should be officer-initiated and not complaint-driven as it is today.
2. Apartment dwellers and condo owners should have same rights as single family residents to appeal OMV permits.
3. Home Owner Associations (HOA)s and Neighbor Associations (NA)s downtown should also have the right to appeal OMVs just as HOAs and NAs outside of downtown.
4. Amplified sound should be measured at the source not at the property line where elevated decks make accurate measurement problematic.
5. Outside speakers should be pointed towards the center of the space.
6. Nowhere in an outdoor venue should the decibel level ever exceed 75 decibels for all frequencies.
7. Amplified sound measurement should consider not only average but also peak values.
8. Cutoff times and peak decibel levels should be made public by a sticker visibly located on an outside surface of the establishment.
9. OMV permits should not be granted administratively. They should be subject to a public hearing.
10. Any appeal should be heard no more than 60 days from the date of the filing of the appeal.
11. Include significant penalties for non-compliance and withdrawal of the permit on a third violation. Cut off times are a critical area of this enforcement.
12. Simplify and organize sound regulations. Sound related regulations are covered in several different chapters of the Code of Ordinances and it makes it unnecessarily challenging to determine which rules apply.

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OMVs, unless operated with the neighborhood in mind, can fundamentally alter a neighborhood. DANA believes the sound ordinance requires the above modifications to protect the non-entertainment downtown neighborhoods and allow them to be treated like any other Austin community.

Nightclubs, restaurants, bars and other music venues are an important part of downtown and that is why DANA is excited and committed to work with outdoor venue owners to create a dynamic relationship that includes live entertainment and the continued success of the residential growth in the downtown area.

If you have any questions or comments on the information in this letter, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Lagarde", with a stylized flourish at the end.

Jamie Lagarde
President